

09/979 518

Form PTO-1390 (REV 11-98)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 310307.90.34	
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>				US. APPLICATION NO. (If known, see 37 CFR 1.5)	
				09/979,518	
INTERNATIONAL APPLICATION NO. PCT/US00/13960		INTERNATIONAL FILING DATE 19 May 2000 (19.05.00)		PRIORITY DATE CLAIMED 22 May 1999 (22.05.99)	
TITLE OF INVENTION REVERSE TRANSCRIPTION ACTIVITY FROM BACILLUS STEAROTHERMOPHILUS DNA POLYMERASE IN THE PRESENCE OF MAGNESIUM					
APPLICANT(S) FOR DO/EO/US SCHANKE, Judith E.T.					
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"><li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li><li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li><li>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</li><li>4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li><li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li><li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li><li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li></ol></li><li>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</li><li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none"><li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li><li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li><li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li>d. <input type="checkbox"/> have not been made and will not be made.</li></ol></li><li>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li><li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li><li>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li></ol> <p><b>Items 11. to 16. below concern document(s) or information included:</b></p> <ol style="list-style-type: none"><li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98 and Form 1449.</li><li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li>13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li><li>14. <input type="checkbox"/> A substitute specification.</li><li>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</li><li>16. <input checked="" type="checkbox"/> Other items or information: Petition Under Section 37 CFR 1.182 In Response to Defective Declaration Filed in Response to Notification of Defective Response Under Section 37 CFR 1.497(a) and (b); Petition for Extension of Time to Respond to Notification of Missing Requirements Under 35 USC 371 Pursuant to 37 CFR 1.136(a)(1); Affidavit of Appliant, Judith E. Meis; Copy of Communication Under Date of Receipt of March 27, 2003; Postcard Receipt</li></ol>					

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 09/979,518		INTERNATIONAL APPLICATION NO. PCT/US00/13960		ATTORNEY'S DOCKET NUMBER 310307.90134	
--	--	---	--	--	--

17. [ ] The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... <b>\$1040.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... <b>\$890.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... <b>\$740.00</b>  International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$710.00</b>  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b>  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>				<b>CALCULATIONS</b> PTO USE ONLY	
<div style="text-align: right;">Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</div>				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	20       -20 =	0	X \$18.00	\$	
Independent claims	3       -3 =	0	X \$78.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	
[X] Applicant heretby claims small entity status. Reduction by 1/2 for filing by small entity.				\$	
<b>SUBTOTAL =</b>				\$	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.429(f)).				+	\$
<b>TOTAL NATIONAL FEE =</b>				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property				+	\$
<b>TOTAL FEES ENCLOSED =</b>				\$	
				Amount to be refunded	\$
				Charged	\$

a. [ ] A check in the amount of \$       . 00       to cover the above fees is enclosed.

b. [X] Please charge my Deposit Account No. 17-0055 in the amount of \$185.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 17-0055. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status:**

SEND ALL CORRESPONDENCE TO:

Quarles & Brady LLP  
411 East Wisconsin Ave.  
Milwaukee, WI 53202-4497

SIGNATURE  
  
 NAME  
  
 35,433  
 REGISTRATION NUMBER

EXPRESS MAIL LABEL NO. EV161877179US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. National Phase Application Corresponding To:

USSN: 09/979,518  
PCT Application: PCT/US00/13960  
International  
Filing Date: 19 May 2000  
Priority Date: 22 May 1999  
Applicant: MEIS f/k/a SCHANKE  
Title: REVERSE TRANSCRIPTION ACTIVITY FROM BACILLUS  
STEAROTHERMOPHILUS DNA POLYMERASE IN THE  
PRESENCE OF MAGNESIUM  
Docket No.: 310307.90134

BOX PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

---

PETITION UNDER SECTION 37 CFR 1.182 IN  
RESPONSE TO DEFECTIVE DECLARATION FILED IN RESPONSE  
TO NOTIFICATION OF DEFECTIVE RESPONSE  
UNDER SECTION 37 CFR 1.497(a) and (b)

---

Dear Sir:

A Response to the Notification of Defective Response was filed on June 05, 2002, together with a Statement with Respect to Change of Inventor Name. A Communication issued advising that said Response did not meet the requirements as outlined under Section 37 CFR 1.182, a copy of which is incorporated herein.

Pursuant to Section 37 CFR 1.182, Applicant hereby petitions for change of applicant name from that of Judith E. Schanke to that of Judith E. Meis. An affidavit signed with both names and setting forth the procedure whereby the change of name was effected, is hereby attached.

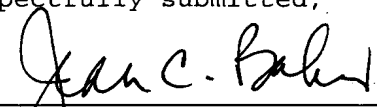
A fee of \$130.00 is believed to be due in connection with said petition and authorization to charge said amount to Deposit Account Number 17-0055 is hereby made. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 17-0055. A duplicate copy of this sheet is enclosed.

12/21/2004 CSM00T 00000001 170055 09979518

Sale Ref: 00000001 DA: 170055 09979518

01 FC:1460 130.00 DA

Respectfully submitted,

By:   
Jean C. Baker  
QUARLES & BRADY LLP  
411 East Wisconsin Avenue  
Milwaukee, WI 53202  
Reg. No.: 35,433  
(414) 277-5709  
(414) 271-3552/Fax

EXPRESS MAIL LABEL NO. EV161877179US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. National Phase Application Corresponding To:

USSN:	09/979,518
PCT Application:	PCT/US00/13960
International	
Filing Date:	19 May 2000
Priority Date:	22 May 1999
Applicant:	MEIS f/k/a SCHANKE
Title:	REVERSE TRANSCRIPTION ACTIVITY FROM BACILLUS STEAROTHERMOPHILUS DNA POLYMERASE IN THE PRESENCE OF MAGNESIUM
Docket No.:	310307.90134

BOX PCT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

---

PETITION FOR EXTENSION OF TIME TO  
RESPOND TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 USC 371 PURSUANT TO 37 CFR 1.136(a)(1)

---

Dear Sir:


Applicant hereby petitions for an extension of time for one month in which to respond to the Notification of Missing Requirements Under 35 U.S.C. 371 In the United States Elected Office pursuant to Section 1.136(a)(1). Applicants have extended the time of Response from May 27, 2003 until June 27, 2003. A response within the first month of said Notification is being filed simultaneously herewith.

A fee of \$55.00 is believed to be due in connection with said petition (\$110.00 less reduction of fee by  $\frac{1}{2}$  for filing by small entity) and authorization to charge said amount to Deposit Account Number 17-0055 is hereby made. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 17-0055. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

June 17, 2003

By:

  
Jean C. Baker  
QUARLES & BRADY LLP  
411 East Wisconsin Avenue  
Milwaukee, WI 53202  
Reg. No.: 35,433  
(414) 277-5709  
(414) 271-3552/Fax

Judith D. Collins  
Notary Public, State of Wisconsin  
My Commission: is permanent

27 MAR 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

Quarles & Brady LLP  
411 East Wisconsin Ave.  
Milwaukee, WI 53202-4497

In re Application of SCHANKE  
U.S. Application No.: 09/979,518  
Int. Application No.: PCT/US00/13960  
Int. Filing Date: 19 May 2000  
Priority Date: 22 May 1999  
Attorney Docket No.: 310307.90134  
For: REVERSE TRANSCRIPTION ACTIVITY  
FROM *BACILLUS STEAROTHERMOPHILUS*  
DNA POLYMERASE IN THE PRESENCE  
OF MAGNESIUM

COMMUNICATION

This is in response to applicant's "Response to Notification of Defective Response" filed 05 June 2002.

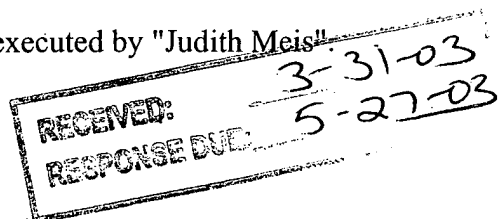
### BACKGROUND

On 19 May 2000, applicant filed international application PCT/US00/13960, which claimed priority of an earlier United States application filed 22 May 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 30 November 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 November 2001.

On 16 November 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 11 January 2002, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that, *inter alia*, an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 10 April 2002, applicant filed a declaration executed by "Judith Meis".



On 07 May 2002, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that the declaration filed 10 April 2002 was improper.

On 05 June 2002, applicant filed the present response, including a declaration executed by "Judith Meis".

### DISCUSSION

The inventor's name in international application PCT/US00/13960 is listed as "Judith Schanke", whereas the inventor's name on the declaration is listed as "Judith Meis".

MPEP 605.04(c) states in relevant part,

~~In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . . The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.~~

Applicant has not filed a petition under 37 CFR 1.182 along with the required fee and either an affidavit signed with both names and setting forth the procedure whereby the change of name was effected or a certified copy of the court order. Applicant is advised that the affidavit submitted with the present response is insufficient because it is not signed with both names.

### CONCLUSION

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response would include a petition under 37 CFR 1.182 along with the required fee and either a properly executed affidavit or a certified copy of a court order. ~~Extensions of time are available under 37 CFR 1.136(a).~~

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459